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PATENT 7-11-02

SN 09/732,115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terrance J. Dishongh et al.

Examiner: Tuan T. Dinh

Serial No.: 09/732,115

Group Art Unit: 2827

Filed: December 7, 2000

Docket: 884.357US1

Title: APPARATUS FOR SHIELDING TRANSMISSION LINE EFFECTS ON A
PRINTED CIRCUIT BOARD

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

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In the Restriction Requirement mailed on May 21, 2002, the Examiner takes the position that the traversal of the original restriction requirement was on the grounds that the searches for Groups I, II, III, and IV would be co-extensive. The Applicants respectfully disagree. The traversal related to restriction between Groups I and III and was on the grounds that these groups are related as combination and subcombination, and not as subcombinations disclosed as usable together in a single combination. "In order to establish that combination and subcombination inventions are distinct, two-way distinctness must be demonstrated. . . . The inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in other and different relations." MPEP § 806.05(c). The Examiner has made no showing and has presented no evidence that the combination of Group III (as amended in the previous response) does not require the particulars of the subcombination of Group I for patentability. "If there is no evidence that combination ABsp is patentable without the details of Bsp, restriction should not be required." MPEP § 806.05(c), Example II. It should be appreciated that the present response is in no way intended to be an admission that Group III requires the particulars of Group I to be patentable. The response is merely pointing out that the Examiner has failed to make the required showing to support a requirement of restriction between Groups I and III. As such, the previous traversal is reasserted and it is respectfully requested that the requirement for restriction between Groups I and III be withdrawn.

In the present restriction requirement, the Examiner requires further restriction between alleged invention I (claims 1-8) and alleged invention II (claims 9-14) as subcombination and combination, respectively. This new restriction requirement is also respectfully traversed. The

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Respectfully submitted,

TERRANCE J. DISHONGH ET AL.

By their Representatives,

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6/10/02

By

John C. Scott

Reg. No. 38,613

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Jane E. Brockschink

Name

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2841



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Examiner: Tuan T. Dinh

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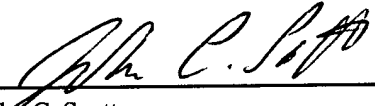
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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Response to Second Restriction Requirement (3 Pages).

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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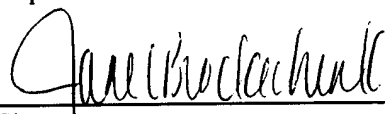
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